



December 27, 2000

Ms. Kelli H. Karczewski
Schwartz & Eichelbaum, P.C.
Attorneys at Law
P.O. Box 3685
San Angelo, Texas 76902

OR2000-4849

Dear Ms. Karczewski:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 142589.

The San Angelo Independent School District (the "district"), which you represent, received a request for information regarding five vendors. Specifically, for each vendor, the requestor seeks the name of the company, the actual and mailing addresses, the names of the principal officers or owners, the name of the contact person, and the certificate of insurance. You claim that certain information contained on the requested certificates of insurance is excepted from disclosure under section 552.101 of the Government Code in conjunction with common law privacy. Although you take no position in regard to the remainder of the requested information, you have notified the five vendors of the request for information pursuant to section 552.305 of the Government Code. *See* Gov't Code § 552.305 (permitting interested third party to submit to attorney general reasons why requested information should not be released); Open Records Decision No. 542 (1990) (determining that statutory predecessor to Gov't Code § 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in Open Records Act in certain circumstances). However, none of the vendors has responded. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, statutory, or by judicial decision," including information coming within the common law right to privacy. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). Common law privacy protects information if it is highly intimate or embarrassing, such that its release would be highly objectionable to a reasonable person, *and* it is of no legitimate concern to the public. *Id.* at 683-85. However, a corporation or other business entity does not have a common law

right to privacy. *See* Open Records Decision No. 600 (1992). We have reviewed the submitted certificates of insurance and find that they contain no information that falls under common law privacy as encompassed by section 552.101. Therefore, the school district must release the submitted information to the requestor.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

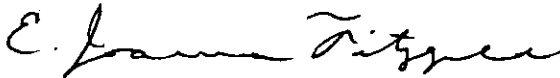
If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.--Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the General Services Commission at 512/475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



E. Joanna Fitzgerald
Assistant Attorney General
Open Records Division

EJF\er

Ref: ID# 142589

Encl: Submitted documents

cc: Mr. Rick Staha
3202 Clearview Drive
San Angelo, Texas 76904
(w/o enclosures)

Mr. Ron Anderson, Owner
H & A Enterprises
950 Cactus Lane
San Angelo, Texas 76903
(w/o enclosures)

Mr. Harwood Rice, Owner
Ricon, L.L.C.
3115 W. Loop 306, Ste. 107
San Angelo, Texas 76904
(w/o enclosures)

Mr. Ralph Paez, Owner
Paez Construction
3802 Crockett
San Angelo, Texas 76903
(w/o enclosures)

Mr. Harwood Rice, Owner
H.T.R.
P.O. Box 62782
San Angelo, Texas 76904
(w/o enclosures)

Mr. Harold Brinson, Owner
H B Enterprises
2818 Briargrove
San Angelo, Texas 76904
(w/o enclosures)